

APPROVED: Meeting No. 28-80

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 25-80

June 16, 1980

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, June 16, 1980, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

ABSENT

Councilman Steve Abrams
(on travel leave)

The Mayor in the Chair.

In attendance: City Clerk Helen M. Heneghan; City Manager Larry Blick; City Attorney Roger Titus; Director of Finance John Lawton; Director of Planning James M. Davis; Assistant City Manager Daniel Hobbs; Director of Public Works Robert Goodin; Public Information Officer Sue M. Patterson; Director of Budget Anna Lee Berman; Director of Community Development Douglas Horne; Director of Community Resources Bert Drayton; Police Chief Jared Stout.

Re: City Manager's Report

Mr. Blick reported the following:

1. Development has begun on the auditorium lobby at the Civic Center. The contractor sees no problem with the January, 1981 deadline. The base for the sculpture is also in place.

2. Today the Finance Director, the Mayor and the City Manager traveled to New York to meet with representatives of Moody's and Standard and Poore's to discuss the possibility of elevating the City's bond rating. Sale of proposals for the bonds will be accepted by the City until June 25.

3. John Freeland is a candidate for President of the Maryland Municipal League and John Tyner is a candidate for the Board of Directors. The election will be held in conjunction with the annual meeting on June 21 at Ocean City.

4. Because of a news release on "You are a Superwoman", Channel 20 has filmed a show at the Youth Services Clinic. It was aired today on Channel 20 and will air again this weekend.

Mayor Hanna presented the Municipal Finance Officers' award for exemplary financial reporting achievement to John Lawton and the City of Rockville. Mayor Hanna noted it is issued only to cities of very high standards. He congratulated the City Manager, Mr. Lawton and all others who assisted in the reception of this award.

Re: Award of Contract: Bid No. 50-80
Micro-computer with software

At 3:00 p.m. on June 6, 1980, sealed bids were opened to provide an automated record keeping system for the Motor Vehicle Maintenance Division of the Department of Public Works.

Eight vendors responded with prices quoted ranging from a low of \$11,925 to a high of \$38,287.

1. Computerland	\$11,925
2. Computers, Etc.	16,265
3. Simcon	22,225
4. R. S. Carson	26,650
5. Opus	27,554
6. Becker & Haney	34,984
7. N.C.R.	38,287
8. Wang	Not responsive

As was discussed during the FY 1981 budget work sessions, this system will be used by the Motor Vehicle Maintenance Division for approximately three years at which time the record keeping function will be incorporated into the City-wide data processing effort. Staff is recommending that we go ahead with this system at this time because of the critical nature of monitoring vehicle maintenance and fuel costs and the relatively low investment of funds.

The City's fleet of over 200 vehicles and pieces of specialty equipment is worth over \$1,000,000, and the task of tracking the repair and fuel costs for a fleet this size is a monumental task. It would take a full-time clerical position, at a cost of approximately \$12,000 per year, to maintain part of the record keeping system for vehicle maintenance that will be provided through computerization.

The system offered by Computerland will meet City record keeping needs and staff recommends the award of this bid RFP 50-80 to Computerland in the amount

of \$11,925. Because existing staff resources will be able to handle data entry and other functions, no additional resources will be needed for this project.

The funds for this are provided under the budget guidelines for the Motor Vehicle Maintenance and the Data Processing Divisions.

Councilwoman Fordham asked when the City's system will be in place. Mr. Lawton said within 60 to 90 days. Councilwoman Fordham asked why we were working on a three-year plan if we would have our own system in place. Mr. Lawton explained the advantages of the system. Mayor Hanna agreed and said it is another tool to promote efficiency and much more cost effective than hiring someone to do the work manually.

On motion of Councilman Freeland, duly seconded and unanimously passed, Bid No. 50-80 for a micro-computer was awarded to Computerland in the amount of \$11,925.

Re: Award of Contract: Bid No. 55-80
Water main extension, N. Hunger-
ford to Jackson

Bids were opened in the Rockville Mayor and Council Chambers, City Hall, at 3:00 p.m. Tuesday, June 3, 1980 for the extension of approximately 1000 L.F. of 12" diameter water main. The main is to be constructed along the west side of Hungerford Drive, beginning opposite Westmore Road and running approximately 1000 L.F. to an office complex, currently under construction. The complex, known as Jackson Place, is located on the land which was sold by the City to Design Collection Homes, Inc.

This water main extension was recently authorized by the Mayor and Council as a special assessment project. It was requested by (and the total cost will be assessed against) Design Collection Homes, the owner/developers of the office complex.

Thirteen (13) bids were received as follows:

Ennis & Son, Inc., Camp Springs, MD	\$19,485.00*
City Contractors, Inc., Hyattsville, MD	26,951.60
Deneau Construction, Inc., Gaithersburg, MD	29,995.00
Ventresca & Sons, Inc., College Park, MD	30,310.00
Zenoble Construction, Inc., Laurel, MD	30,317.00
Pleasant Excavating Co., Inc., Clarksburg, MD	31,225.00
Alejo Lopez Construction Co., Inc., Bladensburg, MD	33,380.00
Kenster Tri-State & Co., Crofton, MD	33,610.00
Rapp Contracting, Inc., Beltsville, MD	34,800.00
Calcon Co., Inc., Rockville, MD	35,160.00

Concrete General, Inc., Rockville, MD	\$38,750.00
J.L. Curlis, Inc., Mt. Airy, MD	39,940.00
C.F. & B., Inc., Hyattsville, MD	45,535.00
Engineer's Estimate	\$29,560.00
*Error in Bid Amount	

The low bidder, Ennis & Son, Inc., has requested that their bid be withdrawn without penalty. The City requires that a 5% bidder's bond accompany each bid, which may be confiscated if a bidder fails to go through with the contract. His bid of \$19,485.00 was based on a computational error that he has substantiated by providing, at the time of the bid opening, his bid work sheets. The error caused a \$8,694.00 reduction in the actual bid below the intended bid.

The Mayor and Council have two alternatives available. They may award the bid to Ennis & Son, Inc., who may choose to either forfeit the bid bond of \$974.25 or proceed at the reduced payment. The second alternative open to the Council is, in accordance with the Ennis & Sons, Inc., request, to reject the bid without confiscation of the bidder's bond and award to the second low bidder.

Based on the circumstances, staff recommends that the Mayor and Council reject the Ennis & Son, Inc., low bid of \$19,485.00 and return their bid bond in the amount of \$974.25 and award the bid to the second low bidder, City Contractors, Inc., in the amount of their bid of \$26,951.60.

Councilman Freeland commented that it seemed to be an honest error on the low bidder's part. Mayor Hanna agreed and said it is most proper not to force compliance under the circumstances. He added that it is quite interesting to see the very large number of bidders for this project now that the economic situation has changed in the area.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 55-80 was awarded to the second low bidder, City Contractors, in the amount of their bid of \$26,951.60 and along with rejecting the Ennis & Son, Inc. low bid of \$19,485.00 due to a clerical error, the Ennis Bid Bond was returned to them.

Re: Preliminary Review: Text
Amendment T-36-80, Linowes and
Blocher, Applicants

This application represents a formal request to consider a text amendment which the Mayor and Council has twice discussed and declined to initiate on its own.

This amendment, if adopted, will allow construction to commence on a project which has a valid Use Permit, but does not comply with certain aspects of the new Town Center zoning requirements. The text amendment would involve only one project, a restaurant on Hungerford Drive, in the Town Center.

Councilman Tyner moved, duly seconded, that the staff prepare a resolution of denial and that the fee be refunded to the applicant. Mayor Hanna questioned returning the fee and the setting of a precedent. A discussion followed on the Council's policy of no return of fees. Council discussed a fee refund situation and offered several alternatives, Councilman Freeland's being a Phase I and Phase II or a tier structured fee. Mayor Hanna agreed with this. The City Manager was asked for a tier fee schedule, one which would discourage frivolous applications but nevertheless compensate the City for staff work that goes into an application at every stage. Councilman Tyner's motion to deny the application and return the fee passed, Mayor Hanna and Councilmembers Fordham and Tyner voting aye and Councilman Freeland voting nay.

Re: Resolution to approve the form
of official statement for bond
sale

Resolution No. 14-80

On motion of Councilman Freeland, duly seconded and unanimously passed, Resolution No. 14-80, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, approving the form of official statement for bond sale, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To Grant
Text Amendment Application T-33-80

Ordinance No. 20-80

On motion of Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 20-80, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting text amendment application, T-33-80, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To Grant
Text Amendment Application T-34-80

Ordinance No. 21-80

On motion of Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 21-80, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting text amendment application, T-34-80, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To Grant
Text Amendment Application, T-35-80

The Council discussed the wording of this ordinance since it was the original intent of the Council that the parking change be one (1) parking space for every two (2) apartments instead of the present zoning ordinance text which reads: one (1) parking space for every four (4) apartments housing the elderly. From the time this was filed by the Mayor and Council, a change was made in the original application so that the text would read, if this ordinance was adopted: one (1) parking space for every three (3) apartments. If the Mayor and Council were to change the number from three (3) to two (2) as originally planned, it would constitute a substantial change in the amendment and would therefore necessitate returning it to the Planning Commission and scheduling another public hearing. Councilman Freeland suggested that the Planning Commission be asked to do a presentation or give a written report to the Council on the need for three (3) parking spaces. It is the Council's feeling that perhaps the Planning Commission had no opportunity to consider the idea of two (2) parking spaces. Since there were many unanswered questions, it was the Council's feeling that a delay might be in order so that the Planning Commission could share the benefit of their deliberation with the Council. Mayor Hanna asked if Mr. Titus would convey the wishes of the Mayor and Council to the Planning Commission and then this matter could be brought to a conclusion.

Re: Decision: Report on Areas of
Critical State Concern

The Council held a public hearing on June 2 on areas of critical state concern and complied with state requirements. A letter has been drafted for the Mayor's signature suggesting no areas of critical state concern. It was the consensus of the Council that the Mayor should sign the letter.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. David Betts. Mr. Betts addressed item number 13 on the Council's agenda which is the resolution on reconsideration of planned residential units. Mr. Betts told the Council that he has been instructed, by his client, to inform the Mayor and Council that his client plans to pursue all legal angles to support his right to build a 120 unit highrise building on the site as originally agreed to.

Councilman Freeland noted that the neighborhood has the highest priority in the minds of the elected officials and the Mayor and Council are expected to safeguard against any negative impact. Mr. Betts said that this is an agreement that was made years ago and there was no statute of limitations at the time the agreement was made. It is his contention that it is unfair to change the rules in the middle of the game and at this stage.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearing: Intent to raise
the tax rate above the constant
yield tax rate

The Mayor and Council conducted a public hearing on the intent to raise the tax rate above the constant yield tax rate and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open until 5 p.m., June 19, 1980.

Re: Decision: Street lighting for
Ritchie Parkway.

In FY 1979, a \$12,000 appropriation was authorized for lighting the intersections along Ritchie Parkway from Glen Mill Road to Seven Locks Road. Subsequently, based on a Planning Commission concern that this intersection lighting could constitute a hazard, the Mayor and Council decided against proceeding with this limited lighting and authorized an additional \$164,000 appropriation (total \$176,000) to provide lighting throughout the entire limits. This authorization, however, was contingent on a study identifying an accident history of night time accidents subject to correction by lighting. In addition staff was to investigate the merits of the use of high pressure sodium vapor as opposed to the mercury vapor lights presently in use throughout the City.

During the 31 month period between March 1976 through September 1979, there were seventeen accidents along Ritchie Parkway at the locations shown on the attached map. Three of these occurred at night and two additional at dusk. Perhaps one of these may have been prevented by the lights, although this is difficult to say with any degree of certainty.

An examination of the area indicates that most of the pedestrian traffic will be limited to the area between Hurley Avenue and Fallsmead Way, a distance of approximately 4000 feet. This represents only about 30% of the total distance (14,000 feet) of the authorized project limits.

It is recommended that Mayor and Council authorize the staff to proceed with the design and installation of street lighting on Ritchie Parkway between Hurley and Fallsmead Way.

On motion of Councilman Tyner, duly seconded and unanimously passed, the staff was authorized to proceed with the design and installation as recommended in the amount of approximately \$53,000, the balance being held in reserve until the situation is reviewed.

Re: Resolution: To Reconsider Planned
Residential Unit Exploratory Appli-
cation, PRU-4-65, Rockshire

Resolution No. 15-80

Councilman Tyner asked that the process be explained after passage of the Resolution. Mr. Titus explained the process. Councilman Tyner suggested that when a public hearing is held on reconsideration, that all advertising efforts be expanded.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Resolution No. 15-80, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, reconsidering PRU-4-65, was adopted by the Mayor and Council.

Re: Correspondence

1. Stephen Fisher, re officers of Burgundy Knolls neighborhood
2. W. Reid Thompson, PEPCO, re rates
3. Mayor Goldensohn, re inter-City agreement on energy planning
Councilman Tyner noted that this is a very good idea and suggested that the City continue; the Mayor and Council agreed.
4. Pres. Fosler, re revenue sharing
Councilwoman Fordham and Mayor Hanna expressed their surprise and disappointment at this matter.
5. Laurie Pratt, re dance programs in recreation
6. Almas Temple, re thank you for the parade
7. Sen. Levitan, re Academy grant
8. Mr. and Mrs. McCarthy, re neighborhood problem
Councilman Tyner suggested a task force be established to work on this type of problem. The City Manager suggested that this problem can be addressed at the time a rental license is renewed.
9. Municipal Finance Officers Association re Certificate of Conformance

Re: FYI

1. Memo on permanent step for senior citizens' buses

Mayor Hanna said he is pleased to see that the permanent step idea which was learned from Montgomery County, has proved successful.

2. Copy of response to citizen complaint
3. Memo on Twinbrook Library Site

Councilman Tyner asked if the staff could secure a copy of the plans submitted by the successful bidder.

4. Memo from CDHA re Maryvale Elementary School

The Council discussed the ultimate use of the Maryvale elementary school site and the need for contact with the neighborhood since the memo indicates that there is no unified feeling in the neighborhood as to how the site should be used. The staff will continue to monitor the situation and will provide firm figures to the Council on property acquisition.

Re: New Business

Councilman Freeland noted that the County Council had delayed action on the mixed use text amendment. Mayor Hanna said the County Council was extending to the City of Rockville a reasonable opportunity to see if Rockville can move ahead with its plans for downtown development and he is most appreciative of this.

Re: Executive Session

There being no further business to come before the Council in open session, the meeting was closed for executive session to discuss property disposition.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 11:50 p.m. to convene again in work session on Thursday, June 19, 1980, at 7:30 p.m. or at the call of the Mayor.